

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SYNAGRO TECHNOLOGIES, INC.,	)	CIVIL NO. CV04-00509 SPK/LEK
	)	
Plaintiff,	)	DECLARATION OF
	)	MARY PATRICIA WATERHOUSE
vs.	)	
	)	
GMP HAWAI'I, INC.,	)	
	)	
Defendant.	)	
	)	

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DECLARATION OF  
MARY PATRICIA WATERHOUSE

MARY PATRICIA WATERHOUSE hereby declares that:

1. The undersigned is the Director of the City's Department of Budget and Fiscal Services. The functions of the Department include processing of accounts payable.
2. At the time of service of the Garnishee Summons and Order: the City did not have, and currently does not have any monies, funds, wages, stocks, bonds, equities or goods and effects of GMP Hawai'i, Inc. dba GMP Associates (hereinafter "Debtor") in its possession, whether held for the benefit of, in trust for, or in the name of Debtor; the City was not, and currently is not, obligated to pay Debtor any salary, wages, funds, commissions, stipend, annuity, net income or

portion of net income under trust; and the City was not, and currently is not, indebted to Debtor.

3. The City is a party to the following open contracts with Debtor:

<u>CONTRACT</u>	<u>DESCRIPTION</u>
F27964	Construction Management for Kuhio/Kapahulu Ave.
F57136	Fort Weaver Road Manhole & Pipe Rehabilitation
F90972	Honouliuli Wastewater Treatment Plant New Solid Handling Facilities

4. However, at the time of said service and currently, the City had no outstanding invoices, progress billing statements or other claims for payment by Debtor on said contracts, and was not, and is not currently, obligated to make any payment to Debtor in connection with said contracts. Any future obligation on the part of the City to make a contract payment remains at this time contingent upon performance by Debtor, upon submission of evidence of performance, and upon the City's acceptance of such performance.

5. Further, all payments on Contract Nos. F27964 and F90972 are in any case the subject of prior assignments by Debtor in favor of Hawaii Pacific Finance, Ltd.

6. By way of further response to the Garnishee Summons herein, the City discloses that, at the time of said service, the City was a party to a number of

open contracts with GMP Associates, Inc., which on information and belief is a corporate entity related to, but distinct from, Debtor. The following is a list of said open contracts:

<u>CONTRACT</u>	<u>DESCRIPTION</u>
F49687	Wahiawa Effluent Reuse for Central Oahu
F66079	Install New City Standard Bus Shelters
F72100	Sand Island Parkway Wastewater Modification
F76480	Wahiawa Wastewater Treatment Plant Conversion
F11092	Honouliuli Wastewater Treatment Plant Unit 1a
C40085	Honouliuli Wastewater Treatment Plant Exterior Wall Repair
F29127	Sand Island Wastewater Treatment Plant Modification, Increment 2
F45329	Honouliuli Wastewater Treatment Plant Expansion
F27387	Sand Island Wastewater Treatment Plant Modification I, Increment 3
F11262	Sand Island Septage Handling Facility

7. SAVE and EXCEPT as specifically hereinafter set forth in paragraph 8, at the time of said service and currently, the City had no outstanding invoices, progress billing statements or other claims for payment by GMP Associates, Inc. on said contracts, and is not currently obligated to make any payment to GMP Associates, Inc. in connection with said contracts. Any future

obligation on the part of the City to make a contract payment remains at this time contingent upon performance by the GMP Associates, Inc., upon submission of evidence of performance, and upon the City's acceptance of such performance.

8. At the time of said service, the City was in receipt of an invoice from GMP Associates, Inc. for the sum \$31,480.55 on Contract No. 11092 for the Honouliuli Wastewater Treatment Plant Unit 1a Project. Payments under this contract, however, are subject to a prior assignment by GMP Associates, Inc. in favor of Hawaii Pacific Finance, Ltd., as are all payments under Contract Nos. F11262, F49687, F72100, F90972, and F76480.

9. Except as set forth in the preceding paragraph: at the time of said service, the City did not have, and currently does not have, any monies, funds, wages, stocks, bonds, equities or goods and effects of GMP Associates, Inc. in its possession, whether held for the benefit of, in trust for, or in the name of GMP Associates, Inc.; the City was not, and currently is not, obligated to pay GMP Associates, Inc. any salary, wages, funds, commissions, stipend, annuity, net income or portion of net income under trust; and the City was not, and currently is not, indebted to GMP Associates, Inc.

10. The undersigned has read this Disclosure, knows the contents and verifies that the statements are true based upon the records and files maintained by the City.

I MARY PATRICIA WATERHOUSE, declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, JUL 19 2007.

  
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MARY PATRICIA WATERHOUSE